

REMARKS

Initially, Applicant would like to thank Examiner Pani for granting an interview and for his time spent during the interview.

The application has been amended consistent with the discussion during the interview to place it in condition for allowance at the time of the next Official Action.

Claims 1-7, 9 and 11-25 were previously pending in this application. Claims 2-5, 21 and 22 are canceled; leaving claims 1, 6, 7, 9, 11-20 and 23-25 for consideration.

Claims 4-7 are withdrawn from consideration as being directed to a non-elected species.

Claims 1-3, 18-20, 24 and 25

Claims 1-3, 18-20, 24 and 25 were rejected under 35 USC 103(a) as being unpatentable over NAGEL 5,759,107 in view of ALTARE 5,046,721. That rejection is respectfully traversed.

Claim 1 is amended to clarify the features of the invention as they relate to the recited medical chair to distinguish over the "amusement apparatus" offered in the Official Action, which one of ordinary skill in the art would not equate with a medical examination chair. That is, one would not equate amusement apparatuses or gyroscopes, which are huge and bulky structures with a medical examination chair at least based

on these devices not being able to be configured for installation in a medical cabinet or hospital room.

By way of example, an advantage of the present invention is that it can be used for both diagnosis and therapeutic treatment, e.g. of benign paroxysmal positional vertigo (BPPV) due to its specific structure (wide opening at the front access area, relatively small floor stand allowing wheel chair proximity for patient transfer, etc.) it is fast and easy to transfer any patient to the seat (10).

From the Practitioner standpoint, other advantages are encountered: the medical chair of the invention is compact (not bulky) and can easily be disposed inside a medical cabinet. For the diagnosis and treatment, therapeutic maneuvers are made effortless, safe and quick thanks to the invention. This can be obtained without compulsory motors or sensors, the maneuvers movement being easily impelled by the Practitioner: in claim 1, the rotational axes between stationary column / first arc / second arc are non-motorized).

After diagnosis and before treatment, the brake or abutment means or brake are precisely, quickly and easily adjusted, as well as the various angular orientation of the patient on the seat (e.g. depending of the ear semi-circular canals to be cured), thus allowing a high quality therapeutic maneuvers. Thanks to this, initial patient positions as well as end of movement / travels are precisely located, overall

rotational travels of the patient are scrupulously chosen with a great accordance with the diagnosis, and efficient semi-circular canals liberation is obtained.

Although some resemblances are present in the cited art, nevertheless, one of ordinary skill in the art would not consider that the wrench socket of BURROWS, for example, in which a plug or other element has to be slowly introduced, as meeting the recited abutments.

Indeed, as discussed during the interview, the references are not related to a medical examination chair. NAGEL describes a huge and bulky amusement apparatus, which no way can be used in the purpose of diagnosis and treatment, or in precise therapeutic maneuvers as required by a medical chair.

Instead, such an apparatus would be dangerous for a patient. From figures 1 and 2 of NAGEL, it clearly appears that access to the seat 30 is impossible e.g. for a disabled, obese or harmed person, which might need medical treatment. Moreover, such an apparatus is totally unusable by a Doctor, due to difficult access to the « encaged patient », general heaviness and lack of handle-like portions allowing impulsion for positioning and maneuvers.

Rather, NAGEL provides for electric swivels 22, 28, to move such heavy framework and does not disclose or suggest a non-motorized rotary movement open access chair supporting structure as recited. Nagel also does not disclose a medical examination

chair for seating and moving a patient with a stable floor stand; a single rear stationary column on the floor stand; an open access primary arc; a horizontal shaft between said open primary arc and said single rear stationary column that constitutes a first axis of rotation; a second axis of rotation entirely in front of the single rear stationary column; an open access secondary arc in front of the open primary arc and having a seat thereon, said second arc being arranged inside said primary arc; the primary arc and secondary arc being configured for performing non-motorized rotary movement; and a brake configured for performing adjustable stopping of the chair, at a plurality of predetermined locations.

Similarly, ALTARE describes a huge and bulky gyroscope, which cannot be used for example, for diagnosis and treatment, or in precise therapeutic maneuvers as in a medical examination chair. From figures 1 and 6, it clearly appears that the human operator 4 (i.e. the « practitioner » instead of a « patient ») is standing in a position. No seat inside the gyroscope is described and rather, the feet are secured to the platform 62. Therefore, such an apparatus would be very dangerous for a patient.

Moreover, open access to the platform 62 is impossible e.g. for a disabled, obese or harmed person. Such an apparatus is totally unusable by a Doctor, due to difficult access to the human operator 4, general heaviness and lack of handle-like

portions that might allow impulsion for positioning and maneuvers by a practitioner located by the gyroscope.

ALTARE does not disclose a non-motorized rotary movement open access chair supporting structure. ALTARE does not disclose a medical examination chair for seating and moving a patient with a stable floor stand (see frame 11 ; wheels 20); a single rear stationary column on the floor stand; an open access primary arc ; a horizontal shaft between said open primary arc and said single rear stationary column that constitute s a first axis of rotation; a second axis of rotation entirely in front of the single rear stationary column; an open access secondary arc on which is provided a seat, the secondary arc is in front of the open primary arc, said second arc being arranged inside said primary arc; the primary arc and said secondary arc being configured for performing non-motorized rotary movement; and a brake configured for performing adjustable stopping of the primary arc and second arc respectively, at a plurality of predetermined locations relative to said single rear stationary column and said primary arc respectively.

Indeed, as pointed out during the interview, even if one were to equate the lock bar 85 of ALTARE with a brake, such lock bar only locks rings 13, 14, 15 with respect to each other. Lock bar 85 has no adjustable stopping feature and does not brake the primary arc relative to said single rear stationary column.

Accordingly, even if one were to combine the references in the manner suggested, the above-noted features that are lacking from each of the references would not somehow emerge from any proper combination thereof. Thus, claim 1 and the claims that depend therefrom are believed to be patentable over the proposed combination of references.

Claims 1 and 9

Claims 1 and 9 were rejected under 35 USC 103(a) as being unpatentable over NAGEL in view of COLES 4,402,500. That rejection is respectfully traversed.

COLES describes an amusement device, which cannot be configured for the purpose of diagnosis and treatment, or in precise therapeutic maneuvers. Such a device would be dangerous for a patient. Access to the seat 33 is impossible e.g. for a disabled, obese or harmed person. Such a device is unusable by a Doctor, due to difficult access to the person on the seat 33, general bulkiness and lack of access.

Moreover, COLES does not disclose a non-motorized rotary movement open access chair supporting structure. Rather, COLES discloses a closed cage 23, with tubes 24-27. COLES does not describes a medical examination chair for seating and moving a patient with a stable floor stand (see huge circular pedestal 11); a single rear stationary column on the floor stand; an open access primary arc; a horizontal shaft between said open primary

arc and said single rear stationary column that constitutes a first axis of rotation; a second axis of rotation entirely in front of the single rear stationary column; an open access secondary arc in front of the open primary arc, on which is provided a seat; said open second arc being arranged inside said primary arc; the open primary arc and said open secondary arc being configured for performing non-motorized rotary movement; and a brake configured for performing adjustable stopping of the chair, at a plurality of predetermined locations.

As set forth above, NAGEL does not disclose these features. Thus, these features that are lacking from each of the references would not somehow emerge from any proper combination of NAGEL with COLES. Therefore, claim 1, and claim 9, which depends from claim 1 are believed to be patentable.

Claims 11 and 12

Claims 11 and 12 were rejected under 35 USC 103(a) as being unpatentable over NAGEL in view of ALTARE and further in view of BURROWS 2,832,245. That rejection is respectfully traversed.

BURROWS is only cited with respect to features of the dependent claims. BURROWS does not disclose each of the features of claim 1. Since claims 11 and 12 depend from claim 1, these claims are believed to be patentable at least for depending from an allowable independent claim.

Moreover, BURROWS does not disclose that for which it is offered.

BURROWS describes a sponge rubber lining for sockets. This wrench socket, in which a plug has to be slowly introduced, is not alike the abutments as per the invention, i.e. a brake configured for performing adjustable stopping of the chair, at a plurality of predetermined locations. Thus, claims 11 and 12 are believed to be patentable independently of the patentability of claim 1 from which they depend.

Claim 13

Claim 13 was rejected under 35 USC 103(a) as being unpatentable over NAGEL in view of ALTARE and further in view of LOWE 3,774,963. That rejection is respectfully traversed.

LOWE is only cited with respect to features of the dependent claims. LOWE does not disclose each of the features of claim 1. Since claim 13 depends from claim 1, this claim is believed to be patentable at least for depending from an allowable independent claim.

Claim 14

Claim 14 was rejected under 35 USC 103(a) as being unpatentable over NAGEL in view of FERRARA 3,343,875. That rejection is respectfully traversed.

FERRARA is only cited with respect to features of the dependent claims. FERRARA does not disclose each of the features of claim 1. Since claim 14 depends from claim 1, this claim is believed to be patentable at least for depending from an allowable independent claim.

Claims 15 and 16

Claims 15 and 16 were rejected under 35 USC 103(a) as being unpatentable over NAGEL in view of ALTARE and further in view of WEIMER et al. 6,264,278. That rejection is respectfully traversed.

WEIMER is only cited with respect to features of the dependent claims. WEIMER does not disclose each of the features of claim 1. Since claims 15 and 16 depend from claim 1, these claims are believed to be patentable at least for depending from an allowable independent claim.

Claim 17

Claim 17 was rejected under 35 USC 103(a) as being unpatentable over NAGEL in view of ALTARE and further in view of CHINOMI 5,052,754. That rejection is respectfully traversed.

CHINOMI is only cited with respect to features of the dependent claims. CHINOMI does not disclose each of the features of claim 1. Since claim 17 depends from claim 1, this claim is

believed to be patentable at least for depending from an allowable independent claim.

Claims 21-23

Claims 21-23 were rejected under 35 USC 103(a) as being unpatentable over EPLEY 6,800,062 in view of NAGEL and ALTARE. That rejection is respectfully traversed.

EPLEY is only cited with respect to features of the dependent claims. EPLEY does not disclose each of the features of claim 1. Since claims 21-23 depend from claim 1, these claims are believed to be patentable at least for depending from an allowable independent claim.

Among other differences, EPLEY doesn't disclose a medical chair mounted on open access arches, but a huge fixed circular device 18. In this device 18, a seat is mounted inside an O-shaped frame and moves with respect to the stationary O-shaped frame. Such a device is bulky, and prevents the Doctor from approaching the Patient when the Doctor needs to provoke the motions required for the therapy.

Among the other numerous advantages provided by the invention, one is that the medical examination chair is provided with a brake that precisely stops said rotary movement suddenly and performs adjustable stopping of the open primary arc and open second arc respectively, at a plurality of predetermined locations. This is very important to cure the above-noted benign

positional vertigo, because often, one single predetermined shock is sufficient to release the Patient from his benign positional vertigo.

As pointed out during the interview, the prior art is unable to obtain these results because they do not include or suggest the recited structure necessary to obtain these results. Thus, the recited structure would not somehow emerge from any proper combination of the references.

In view of the present amendment and the foregoing remarks, it is believed that the present application has been placed in condition for allowance. Reconsideration and allowance of all claims pending in the application are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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